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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,226	12/28/2001	Arturo DiBenedetto	83981	9090

7590 01/13/2004

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EXAMINER

LEE, BENNY T

ART UNIT PAPER NUMBER

2817

DATE MAILED: 01/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE
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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
107034226			

EXAMINER	
ART UNIT	PAPER NUMBER

DATE MAILED:

This is a communication from the examiner in charge of your application.

COMMISSIONER OF PATENTS AND TRADEMARKS

- ☐ This application has been examined ☒ Responsive to communication filed on 2 Oct 2003 ☒ This action is made final.

A shortened statutory period for response to this action is set to expire Three (3) month(s), _____ day(s) from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input type="checkbox"/> Notice re Patent Drawing, PTO-948. |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449 | 4. <input type="checkbox"/> Notice of Informal Patent Application, Form PTO-152 |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474 | 6. <input type="checkbox"/> _____ |

Part II SUMMARY OF ACTION

1. ☒ Claims 1-5, 7-17, 19-24, 26-33, 35-42, 44-52 are pending in the application.
Of the above, claims _____ are withdrawn from consideration.
2. ☒ Claims 6, 18; 25; 34; 43 have been cancelled.
3. ☐ Claims _____ are allowed.
4. ☒ Claims 1-5, 7-17, 19-21; 22-24, 26-30; 32, 33, 35-38; 40-42, 43-48; 49-51; 52 are rejected.
5. ☐ Claims _____ are objected to.
6. ☐ Claims _____ are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings which are acceptable for examination purposes until such time as allowable subject matter is indicated.
8. ☐ Allowable subject matter having been indicated, formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on _____. These drawings are: ☐ acceptable;
☐ not acceptable (see explanation).
10. ☒ The ☒ proposed drawing correction and/or the ☒ proposed additional or substitute sheet(s) of drawings, filed on 2 Oct 2003, has (have) been ☐ approved by the examiner, ☒ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed _____, has been ☐ approved, ☐ disapproved (see explanation). However, the Patent and Trademark Office no longer makes drawing changes. It is now applicant's responsibility to ensure that the drawings are corrected. Corrections MUST be effected in accordance with the instructions set forth on the attached letter "INFORMATION ON HOW TO EFFECT DRAWING CHANGES", PTO-1474.
12. ☐ Acknowledgment is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received
☐ been filed in parent application, serial no. _____; filed on _____.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

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The substitute specification filed 1 October 2003 has been reviewed, found acceptable and has replaced the original specification.

The disclosure is objected to because of the following informalities: The following objections pertain to the substitute specification filed 2 October 2003: Page 4, lines 15, 16, note that reference that "the disjunctive is intended to include the conjunctive" remains vague in meaning. It is noted that the arguments presented by applicant regarding "or" and "and" do not appear commensurate with the objected to disclosure. Page 4, line 16, should "in" correctly be --is--? Page 4, line 23 and page 5, lines 9, 10, should reference to "Fig. 1" be more appropriately reference at least to --Figs. 1, 1A-- at each occurrence. Page 6, line 19, note that --as shown in Figs. 1, 1A--should follow "26" for clarity. Page 7, regarding the description of new Fig. 1B, note that reference labels (14, 16, 26) depicted herein need to explicitly described in the Fig. 1B description.

Appropriate correction is required.

The drawings are objected to because of the following: In Fig. 1B, note that --slots-- designated by reference label--22--should be provided in the corrugated outer conductor (18) in a manner consistent with the alternate embodiments of Figs. 1, 1A to properly characterize the invention; In Fig. 3, it is again requested that a label--26-- (for the "jacket" be added) to designate the cable to the right of jacket extruder (64) such as to be commensurate with the description at page 9, line 9 of the substitute specification. A proposed drawing correction or corrected

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drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The following claims have been found objectionable for reasons set forth below:

In claims 1, 22, 31, 40, 49, 52, note that --associated therewith-- should follow the respective occurrence of “circumference” for a proper characterization.

In claim 27, note that “foam” should be rewritten as -- dielectric material -- for consistency with the limitation recited in claim 22, from which this claim directly depends.

In claims 31, 40, note that “formed” should be rewritten as --disposed-- at each occurrence.

In claims 49, 52, next to last paragraph in each claim, note that --the-- should precede “Flame retardant material” for consistency of description..

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 4, 5, 7, 8-13, 15, 16, 19, 20; 22, 26-29; 31, 35-38; 40, 44-47; 49, 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Willis (of record) for reasons of record.

Claims 2; 33, 32; 41; 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Willis in view of Bocher (both of record) for reasons of record.

Claims 3; 24; 33; 42; 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Willis in view of Abesturi (both of record) for reasons of record.

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Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Willis in view of Martin (both of record) for reasons of record.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Willis in view of Rampalli (both of record) for reasons of record.

Claims 21; 30; 39; 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Willis in view of Yoshida (both of record) for reasons of record.

Applicant's arguments filed 02 October 2003 have been fully considered but they are not persuasive. Applicant has argued that in view of the amendments to each independent claim that a "burst-resistant flame retardant layer" is "longitudinally wrapped about the (foam/dielectric) layer" with "an overlap of about between five percent to fifty percent...", such limitation distinguishes over the prior art of record. More particularly, with respect to the Willis reference, applicant argues that "flame barrier tape 7 is spirally wound about the cable and thus is not longitudinally wrapped". Moreover, applicant further argues that none of the other "wrapping components of the Willis cable appear to be longitudinally wrapped".

In response to applicant's argument, it must be pointed out that the examiner is not relying on "fire barrier tape 7" to correspond to the claimed "flame retardant layer". Such "mica paper tape 3" has been disclosed as having fire resistant characteristics which prevent or delay damage to the underlying dielectric as described at col. 2, *ls* 53-61 in the Willis reference. Note that of more critical importance is the disclosure at col. 3, *ls* 28-30 in the Willis reference that the mica

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paper tape (3) can be a longitudinally overlapping bonded tape as an alternative to a helical wrapped tape.

Although the Willis reference does not explicitly reference the degree of overlap (e.g. 5% to 50% as claimed), of the flame retardant mica paper tape the degree or range of circumferential overlap of such a flame retardant tape would have been considered an obvious optimization of the degree of overlap, especially since the “general conditions” (i.e. longitudinal overlap) have been established. Moreover, it should be noted that there does not appear to have been any established criticality of the 5% to 50% range of overlap to mitigate against the selection of such a range in Willis as a mere optimization of this parameter based upon desired results. Accordingly for reasons set forth above, the amended claims fail to distinguish over the prior art as applied in the above stated rejections

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however,

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will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Benny Lee at telephone number ~~(703) 502-4002~~ ^{571 212 1769}.

A handwritten signature in cursive script that reads "Benny Lee".

BENNY T. LEE
PRIMARY EXAMINER
ART UNIT 2817

B LEE/pj

01/05/03